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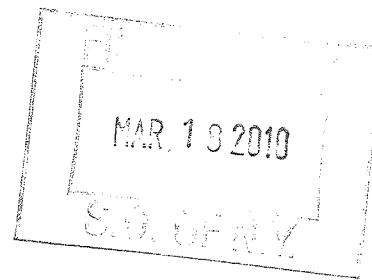
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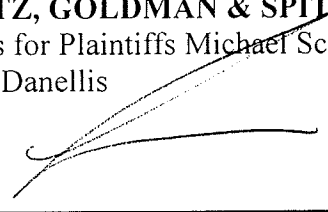
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		
MICHAEL SCHNEIDER and NICHOLAS	:	No. 10 CV 1324 (DLC)
DANELLIS,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	NOTICE OF APPEAL
	:	
FIFTH ON THE PARK CONDO, LLC	:	
EYTAN BENYANIN and	:	
ROBERT EZRAPOUR,	:	
	:	
Defendants.	:	
-----X		

NOTICE IS HEREBY GIVEN THAT Plaintiffs Michael Schneider and Nicholas Danellis hereby appeal to the United States Court of Appeal for the Second Circuit pursuant to FED. R. APP. PROC. 3(b)(1) from the Judgment of The Honorable Denise L. Cote, U.S.D.J. that defendants, Fifth on the Park Condo, LLC, Eytan Benyanin, and Robert Ezrapour, are exempt from the Interstate Land Sales Full Disclosure Act's registration and disclosure requirements pursuant to the 100 Lot Exemption, 15 U.S.C. §1702(b)(1) and the Improved Lot Exemption, 15 U.S.C. §1702(a)(2), and dismissing Plaintiffs' claims for rescission of their purchase

agreements, return of their deposits and interest, and payment of attorneys' fees, entered in this action on the 9th day of March, 2010 (Docket No. 5).

WILENTZ, GOLDMAN & SPITZER P.A.
Attorneys for Plaintiffs Michael Schneider and
Nicholas Danellis

By: 

LAWRENCE C. WEINER, ESQ.

Dated: March 18, 2010